

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:22CR109
)	
Plaintiff,)	JUDGE J. PHILIP CALABRESE
)	
v.)	
)	
NICHOLAS GREER,)	MOTION OF THE UNITED STATES FOR A
)	<u>PRELIMINARY ORDER OF FORFEITURE</u>
Defendant.)	

NOW COMES the United States of America, by and through the undersigned counsel, and moves this Court for the issuance of a Preliminary Order of Forfeiture in the above-captioned case. A proposed Preliminary Order of Forfeiture is attached hereto.

This motion is supported by the following:

1. On March 15, 2022, a federal grand jury sitting in this district returned a 12-count Indictment against Nicholas D. Geer and one co-defendant, charging them with federal drug and firearms violations.

2. The Indictment further sought forfeiture, as it relates to Defendant Geer and the firearms violation (charged in Count 8 of the Indictment) of any and all firearms and ammunition involved in or used in the commission of the firearms violations; including, but not limited to,

the following: a Taurus PT140 G2, bearing serial number SIP96061, and eleven (11) rounds of 40 caliber ammunition, seized from Nicholas D. Geer.

3. Following a trial, on June 1, 2023, the jury returned a guilty verdict on multiple counts, including Count 8, where they found Defendant Geer guilty of having been previously convicted of crimes punishable by imprisonment for a term exceeding one year did knowingly possess in and affecting interstate commerce a firearm and ammunition, to wit: a Taurus PT140 G2, bearing serial number SIP96061, and eleven (11) rounds of 40 caliber ammunition. (Doc. 71: PageID: 425)

4. Additionally on June 1, 2023, a Forfeiture Stipulation (signed by the Defendant on May 30, 2023) was filed wherein Defendant Geer agreed that if convicted, Greer agrees to the forfeiture of the Taurus PT140 G2, bearing serial number SIP96061, and eleven (11) rounds of 40 caliber ammunition, pursuant to 18 U.S.C. § 924(d)(1), and 28 U.S.C. § 2461(c). (Doc. 67: PageID: 410-411)

5. The Court's jurisdiction in this matter is founded upon 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c). Title 18, United States Code, Section 924(d)(1) provides: “Any firearm or ammunition involved in or used in any knowing violation of subsection . . . (g) . . . of section 922 . . . shall be subject to seizure and forfeiture . . .”

28 U.S.C. § 2461(c) provides:

(c) if any person is charged in a criminal case with a violation of an Act of Congress for which the civil or criminal forfeiture of property is authorized, the Government may include notice of the forfeiture in the indictment or information pursuant to the Federal Rules of Criminal Procedure. If the defendant is convicted of the offense giving rise to the forfeiture, the court shall order the forfeiture of the property as part of the sentence in the criminal case pursuant to the Federal Rules of Criminal Procedure....

6. Upon the issuance of a Preliminary Order of Forfeiture, the United States will provide written notice to any known third parties asserting a legal interest in the initially forfeited properties, and will publish, on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, notice of the Court's Order and the intent of the United States to dispose of the subject properties in such manner as the Attorney General may direct.

WHEREFORE, the United States respectfully requests that this Court enter judgment of criminal forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(2)(A), 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), by issuing the proposed Preliminary Order of Forfeiture, forfeiting to the United States the interest of defendant Nicholas Geer, in the Taurus PT140 G2, bearing serial number SIP96061, and eleven (11) rounds of 40 caliber ammunition, and ordering the United States seize them forthwith and dispose of them in accordance with law subject to the provisions of 21 U.S.C. § 853(n) [as incorporated by 28 U.S.C. § 2461(c)].

Respectfully submitted,

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